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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

v.

10 DOMINGO VEGA-CAVADA,

11 Movant.  
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Case No. 2:15-CR-0067-KJD-GWF

**ORDER**

14 Presently before the Court is Defendant's Motion for Appointment of Counsel (#103). An  
15 indigent petitioner seeking relief under 28 U.S.C. § 2255 may move the court for appointment of  
16 representation to pursue that relief. 18 U.S.C. § 3006(A)(2)(B). The court has discretion to  
17 appoint counsel when the interest of justice so requires. 18 U.S.C. § 3006(A)(2). The interest of  
18 justice so requires where the complexities of the case are such that denial of counsel would  
19 amount to a denial of due process. *See Brown v. United States*, 623 F.2d 54, 61 (9th Cir.1980).

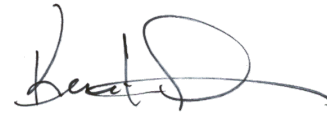
20 Here, the Court has reviewed the documents and pleadings on file in this matter and finds  
21 that appointment of counsel is not warranted. The issues raised in Defendant's underlying § 2255  
22 motion are not complex. Defendant has adequately stated his claims. Therefore, the Court finds  
23 that justice does not require the appointment of counsel. The Court will reconsider the issue if it  
24 determines that an evidentiary hearing is necessary after the Government's response.  
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1 Accordingly, **IT IS HEREBY ORDERED** that Defendant's Motion for Appointment of  
2 Counsel (#103) is **DENIED**;

3 **IT IS HEREBY ORDERED** that the attorney-client privilege in 2:15-cr-0067-KJD-  
4 GWF-3 between Defendant Domingo Vega-Cavada and James Oronoz, Esq., shall be deemed  
5 waived for purposes relating to Defendant's motion under 28 U.S.C. § 2255 to vacate, set aside  
6 or correct his sentence. Mr. Oronoz shall, within 30 days of this order, provide the government  
7 with an affidavit or declaration addressing Defendant's contentions contained in his § 2255  
8 motion. Further, Mr. Oronoz may communicate with government counsel and provide supporting  
9 documentation regarding all matters put at issue in Defendant's motion.

10 The government shall have an additional 30 days, after receiving Mr. Oronoz's affidavit  
11 or declaration, to file its response to Defendant's 2255 motion.

12 Dated this 9th day of May, 2018.

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15 Kent J. Dawson  
16 United States District Judge  
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